

**BOARD OF SELECTMEN
MEETING MINUTES
October 6, 2003**

PRESENT: DOUGLAS R. COOK, Co CHAIRMAN; BRIAN MCDONALD, SELECTMAN; LAURA PETRAIN, SELECTMAN.

ADMINISTRATIVE COORDINATOR: ROBERT CHRISTENSEN
RECORDING SECRETARY: KELLY BUMPUS

GUEST: Evelyn M. Connor, Kevin Pratt, Sherry Butt Dunham, Joseph R. Devine, Debra L. Devine, Keri L. Devine, Joseph R. Devine Jr., Frank Campana, Jim Blouin, Ken Cox, Walter Bohlin, Paul Moller, Bill Duffy, Robert Peterson, Chuck Metcalf, Lara Skinner, Forrest Esenwine, Ginger Esenwine, Jim Carney

The Selectmen's Meeting was held at the Town Office Building. Selectman Cook commenced the meeting at 6:30 p.m.

1. NONPUBLIC SESSION

Selectman Cook moved that the Board of Selectmen enter into Nonpublic Session at 6:31 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) and (c). Seconded by Selectman McDonald. A roll call vote was taken. Selectman Petrain – yes; Selectman McDonald – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Selectman Cook, Selectman McDonald, Selectman Petrain, Chief Myles Rigney, Robert Christensen, Kelly Bumpus.

Chief Rigney reviewed the file for newly appointed Officer, Joseph R. Devine Jr. The Board reviewed the file and welcomed Mr. Devine.

Selectman Cook moved to come out of Nonpublic Session at 6:45 p.m. Seconded by Selectman McDonald. A roll call vote was taken. Selectman Petrain – yes; Selectman McDonald – yes; Selectman Cook – yes. Motion passed unanimously.

Selectman Cook asked that everyone stand for the Pledge of Allegiance.

2. SWEAR IN OF PART-TIME POLICE OFFICER

Ms. Evelyn M. Connor swore in new part-time officer, Joseph R. Devine Jr.

3. NONPUBLIC SESSION

Selectman Cook moved that the Board of Selectmen enter into Nonpublic Session at 6:55 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) and (c). Seconded by Selectman Petrain. A roll call vote was taken. Selectman Petrain – yes; Selectman McDonald – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Selectman Cook, Selectman McDonald, Selectman Petrain, Ms. Evelyn M. Connor, Robert Christensen, Kelly Bumpus.

The Board reviewed and discussed the employee evaluation for Ms. Evelyn M. Connor.

Ms. Connor left the room, and Mr. Carl Knapp entered.

The Board then reviewed and discussed the employee evaluation for Mr. Carl Knapp.

Selectman Cook moved to come out of Nonpublic Session at 7:25 p.m. Seconded by Selectman Petrain. A roll call vote was taken. Selectman Petrain – yes; Selectman McDonald – yes; Selectman Cook – yes. Motion passed unanimously.

4. PUBLIC WORKS

Mr. Carl Knapp met with the Board to request to use \$8,000.00 from Mt. William to repair damage to River Road. Selectman Cook stated that unless Mr. Knapp wants to go through a public hearing, or use \$8,000.00 from his current budget, Mr. Knapp will need to request the payment be made directly to the contractor. Selectman Cook instructed Mr. Knapp to increase his budget next year in anticipation of these payments. Mr. Knapp stated that he will see if it is possible for Mt. William to pay the contractor directly for the work done.

5. PUBLIC PARTICIPATION

Forrest Esenwine – Mr. Esenwine stated he would like to announce on the request of the Town Clerk that anyone wishing to change their political party must do so before October 31st. Mr. Esenwine stated the change can also be made on the evening of the 31st with the supervisor of the check list.

Frank Campana – Mr. Campana asked the Board if they know the date of the meeting with DRA? Selectman Cook stated that it looks like it will be put off for three weeks or so.

Kevin Pratt – Mr. Pratt stated he would like to discuss public access to the lake being closed. Mr. Pratt asked how Marine Patrol will enter the lake if necessary? Selectman Cook stated that there are contact people to gain access. Mr. Pratt stated that he has some suggestions for the public access. The Board instructed Mr. Pratt to meet with Parks and Recreation to discuss his suggestions.

Selectman Cook stated that the Union Leader has twice reported that the lake access ramp is a State access. Selectman Cook stated he would like to set the record straight that the ramp is not a State ramp, but a Town ramp.

6. OLD BUSINESS

Manifest –

Selectman Cook authorized the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated October 9, 2003. Accounts Payable – \$221,235.38, Gross Payrolls - \$29,925.82, for a total of - \$251,161.20. Seconded by Selectman Petrain. A vote was taken. Motion passed unanimously.

Pole Licenses –

Selectman Cook made a motion to authorize Mr. Carl Knapp to sign pole licenses for granite state telephone. Seconded by Selectman McDonald. A vote was taken. Motion passed unanimously.

Town Council –

Selectman Cook made a motion to authorize Mr. Don Thompson to contact Town Council. Seconded by Selectman McDonald. A vote was taken. Motion passed unanimously.

Halloween –

Selectman Cook reminded everyone that Halloween is on October 31, between the hours of 5:00 p.m. - 8:00 p.m. Parks and Recreation stated that their Halloween party will be October 26th from 2:00 p.m. – 6:00 p.m. at the Town Hall for children. Mr. Jim Blouin stated that there will be a pumpkin decorating contest.

Auditing Letter –

Selectman McDonald made a motion to authorize Selectman Cook to sign the auditing letter. Seconded by Selectman Petrain. A vote was taken. Motion passed unanimously.

7. PUBLIC HEARING

Selectman Cook opened the public hearing at 8:00 p.m. for the purpose of discussing an ordinance to prohibit adult entertainment establishments and activities for profit in the Town of Weare. Selectman Cook asked for public comment.

Gary Bission – Mr. Bission stated he feels the Board should postpone the vote for the time being. He stated that this ordinance will open up some legal fees in the future. He stated he thinks the Board should look at the state of New Hampshire. He stated that what he has heard is you can not totally ban adult entertainment in New Hampshire. Mr. Bission stated that he is not against an ordinance for this purpose, but feels that a little bit more research should be done.

Selectman Cook asked for further public comments. Being none, Selectman Cook closed the public hearing at 8:04 p.m. Selectman Cook opened the subject for Board discussion.

Selectman McDonald stated that he has done a great deal of research on adult entertainment ordinances. He stated that it is well within the governing body's authority to prohibit adult entertainment. Selectman Cook stated he will have to take the stand that he is not sure that they can ban adult entertainment totally. He stated that he has seen some communities have restricted activity to certain sections of the Town. He stated he has not received a definite answer as to whether they can ban it altogether, and would not be in favor of the ordinance for this reason. Selectman Petrain stated that she is not educated on the matter enough to say they can ban adult entertainment altogether. She stated she would like to see the Board go a little further and be confident that they haven't prohibited someone's rights. She stated she would like to see something done, and this is a good starting point. Selectman Cook stated that regardless of how the vote turns out he would like to take a closer look at Bedford's live entertainment ordinance. Selectman McDonald stated that he is still going to make the motion, and does not see that they are infringing upon anyone rights. Selectman Petrain asked if the ordinance was looked at by Town Council? Selectman McDonald responded that it has not been looked at by Town Council, although he has spoken with Town Council to see if it was within the Board's authority.

Selectman McDonald made a motion to adopt the Weare adult entertainment ordinance. Seconded by Selectman Cook for Board discussion. A vote was taken. Motion failed 1 in favor, (Selectman McDonald); 2 opposed, (Selectman Cook, Selectman Petrain). Selectman Cook stated that he would like to incorporate this discussion into the master plan discussions, and work with the Planning Board.

8. MASTER PLAN QUESTIONNAIRE

The Board reviewed the questionnaire with Mr. Christensen. The Board discussed options for office space at the Town Office Building. The Board discussed repairs that need to be made to various Town properties.

9. OLD BUSINESS

Effective date of Personnel Policy -

Selectman Petrain stated the Board needs to clarify the effective date for the new personnel policy. She stated that the Board made a motion to adopt the policy on June 2, 2003, but was not signed until August. Selectman McDonald and Selectman Cook agreed that the official effective date was June 2, 2003.

Land Use Coordinator -

Selectman McDonald stated he would like the Board to put in for a full time Land Use Coordinator.

Stone Building -

Mr. Christensen stated that they have received some quotes for the repairs needed on the Stone Building. He stated that the whole roof needs major addressing. Mr. Christensen went over the quotes with the Board and what portion will be reimbursed by insurance. Mr. Christensen went over with the Board what needs to be done before winter to ensure no further damage is done. Selectman McDonald stated that he would feel more comfortable with some references. Mr. Christensen stated he will get the references. Selectman Cook made a motion to authorize the expenditure up to \$12,000.00 to be taken from the government building repair fund. Seconded by Selectman Petrain. A vote was taken. Motion passed unanimously. Mr. Christensen requested the Board sign the proposal. Selectman McDonald made a motion to authorize Selectman Cook to sign the proposal from Skyline Roofing. Seconded by Selectman Petrain. A vote was taken. Motion passed unanimously.

Library -

Mr. Christensen informed the Board that the Library Trustees have decided to hold off on the repairs to the front door. He stated that they are going to fix the Sawyer door

which will be paid for out of their budget and a trust fund. Selectman Cook stated he does not understand why they would take it from their budget when there is a capital reserve fund for this purpose. Mr. Christensen stated that the Library has received some quotes for the air conditioning work needed. Selectman Cook made a motion to expend up to \$3,000.00 from the government building capital reserve fund for air conditioning for the library. Seconded by Selectman McDonald. Selectman McDonald requested three references from the company chosen to perform the work. A vote was taken. Motion passed unanimously.

10. NEW BUSINESS

Overlay Amount –

Selectman Petrain asked the Board if they are going to discuss the overlay amount? Selectman Cook stated that it is up for discussion, and thinks it has been set at \$30,000.00. Selectman Petrain asked if the Board has discussed what to do with any of the previous amount? Selectman Cook stated that in the past it has gone back into the general fund.

Homeland Security –

Selectman Petrain asked Mr. Christensen if Fire, Police, or himself have been working on the homeland security assessment? Selectman Cook stated that the Police Chief had a meeting on this subject. Mr. Christensen stated that he thinks it is being worked on, but will check on it.

Welfare Director –

Selectman McDonald stated they received a memo regarding an increase for the Welfare Director. He stated that Ms. Donna Meuse is requesting an increase from \$5,200.00 to \$7,500.00 per year. Selectman McDonald stated that Ms. Meuse spends a great deal of time on these issues for the Town.

11. NONPUBLIC SESSION

Selectman Cook moved that the Board of Selectmen enter into Nonpublic Session at 9:46 p.m. pursuant to the authority granted in RSA 91-A:3 II (a). Seconded by Selectman Petrain. A roll call vote was taken. Selectman Petrain – yes; Selectman McDonald – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Selectman Cook, Selectman McDonald, Selectman Petrain, Robert Christensen, Kelly Bumpus.

Selectman Cook moved to come out of Nonpublic Session at 9:48 p.m. Seconded by Selectman Petrain. A roll call vote was taken. Selectman Petrain – yes; Selectman McDonald – yes; Selectman Cook – yes. Motion passed unanimously. Selectman Cook made a motion to accept the resignation of Mr. Michael Geha. Seconded by Selectman Petrain. A vote was taken. Motion passed unanimously.

12. NONPUBLIC SESSION

Selectman Cook moved that the Board of Selectmen enter into Nonpublic Session at 9:50 p.m. pursuant to the authority granted in RSA 91-A:3 II (e). Seconded by Selectman Petrain. A roll call vote was taken. Selectman Petrain – yes; Selectman McDonald – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Selectman Cook, Selectman McDonald, Selectman Petrain, Robert Christensen, Kelly Bumpus.

Selectman McDonald moved to come out of Nonpublic Session at 9:55 p.m. Seconded by Selectman Petrain. A roll call vote was taken. Selectman Petrain – yes; Selectman McDonald – yes; Selectman Cook – yes. Motion passed unanimously.

13. ADJOURNMENT

Selectman Petrain moved to adjourn at 9:55 p.m. Seconded by Selectman McDonald. A vote was taken. Motion passed unanimously.

A True Record

Kelly Bumpus, Recording Secretary